

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**ASSOCIATED RECOVERY, LLC,**

Plaintiff,

v.

**JOHN DOES 1-44, *et al.*,**

Defendants.

**No. 3:16-CV-1025-L**  
(Consolidated with Nos.  
3:17-CV-424-L and 3:17-CV-651-L)

**CONSOLIDATED DEFENDANTS' RULE 12(b)**  
**MOTION TO DISMISS THIRD AMENDED COMPLAINT**

Defendants Quinn Veysey; Priveco, Inc.; Virtual Investments, LLC; Telepathy, Inc.; Strong, Inc.; Adam Strong; Creation Media, LLC; Unicorn Ranch, LLC (in lieu of Onig, LLC); True Magic, LLC; CBRE Group, Inc.; Power Home Technologies, LLC; Electronic Arts Inc.; State Farm Mutual Automobile Insurance Company; Tumult, Inc.; Radical Investments Management, LLC; Alansis.Com, Inc.; All-Pro Fasteners, Inc.; Fantasy Spin Game LLC; Slice Technologies, Inc.; DBG Partners, Inc.; Linda Butcher; 028.com; 744.com; fny.com; jtz.com; kgj.com; kmq.com; kxq.com; kxw.com; lnm.com; luohe.com; meq.com; ocu.com; pixie.com; qmh.com; sqg.com; vcz.com; vgj.com; wyd.com; xaq.com; xff.com; xsg.com; ycx.com; ygx.com; yjr.com; yjx.com; yqp.com; yqt.com; yrn.com; yte.com; yyg.com; zdp.com; zhd.com; zulin.com; and zzm.com (collectively, "Defendants") file this Motion, respectfully moving the Court to dismiss with prejudice Plaintiff's Amended Complaint under Rule 12(b).

On June 1, 2017, Plaintiff Associated Recovery, LLC filed its Third Amended Complaint (Dkt. 123). The Court should dismiss with prejudice all claims in the Third Amended Complaint on at least the following grounds:

1. The entire complaint is collaterally estopped by prior rulings of this Court and the Fifth Circuit.
2. Plaintiff's unjust enrichment, conversion, unfair competition / common law trademark infringement, intentional interference with existing contract, and breach of contract claims are time barred under the statute of limitations.
3. Plaintiff does not state any cognizable legal theory upon which relief can be granted.
4. Plaintiff lacks standing because it is a shell company created by Baron for the purpose of suing bona fide purchasers for value of domain names sold through the receivership.
5. Plaintiff failed to join necessary parties, thereby making dismissal proper under Rule 12(b)(7).

Dated: June 28, 2017

Respectfully submitted,

/s/ Brian H. Pandya

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Creation Media LLC, Fantasy Spin  
Game LLC, ONIG LLC, Strong Inc.,  
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<p><u>/s/ Brian Casper</u>          Brian Casper          Texas State Bar No. 24075563          brian.casper@klemchuk.com          KLEMCHUK LLP          8150 N. Central Expressway, 10th Floor          Dallas, TX 75206          P. 214.367.6017          F. 214.367.6001</p> <p><b>ATTORNEYS FOR DEFENDANT          ALANSIS.COM, INC.</b></p> <p><u>/s/ Michael Hassett</u>          Michael Hassett          Texas Bar No. 00796722          JONES HASSETT, PC          440 North Center          Arlington, Texas 76011          (817) 265-0440          (817) 265-1440 (fax)          mhassett@tarrantbusinesslaw.com</p> <p><b>ATTORNEYS FOR ALL-PRO          FASTENERS, INC.</b></p> <p><u>/s/ William R. Lamb</u>          William Robert Lamb          GILLAM &amp; SMITH          303 S. Washington Avenue          Marshall, Texas 75670          T: (903) 934-8450          wrlamb@gillamsmithlaw.com</p> <p><b>Counsel for Power Home Technologies, LLC          and Electronic Arts Inc.</b></p> <p><u>/s/ Joel C. Boehm</u>          Joel Christian Boehm (State Bar No. 24069393)          WILSON SONSINI GOODRICH &amp; ROSATI          900 South Capital of Texas Hwy          Las Cimas IV, Fifth Floor          Austin, TX 78746-5546          T: (512) 338-5400  <a href="mailto:jboehm@wsgr.com">jboehm@wsgr.com</a></p> <p><b>Counsel for Slice Technologies, Inc.</b></p>	<p><u>/s/ Franklin M. Smith</u>          Franklin M. Smith (MI Bar No. P76987)          DICKINSON WRIGHT PLLC          2600 W. Big Beaver Rd., Suite 300          Troy, Michigan 48084          T: (248) 433-7393          F: (844) 670-6009          fsmith@dickinsonwright.com</p> <p><b>Counsel for Priveco, Inc.</b></p> <p><u>/s/ Darin M. Klemchuk</u>          Darin M. Klemchuk          Texas State Bar No. 24002418          darin.klemchuk@klemchuk.com          Aaron D. Davidson          Texas State Bar No. 24007080          aaron.davidson@klemchuk.com          Tim Craddock          Texas State Bar No. 24082868          tim.craddock@klemchuk.com          KLEMCHUK LLP          8150 N. Central Expressway, 10th Floor          Dallas, TX 75206          P. 214.367.6000          F. 214.367.6001</p> <p><b>ATTORNEYS FOR DEFENDANT          RADICAL INVESTMENTS          MANAGEMENT, LLC</b></p> <p><u>/s/ Mark Levine</u>          Mark Levine          WEYCER, KAPLAN, PULASKI &amp;          ZUBER P.C.          11 Greenway Plaza, Suite 1400          Houston, Texas 77046          T: (713) 961-9045  <a href="mailto:mlevine@wkpz.com">mlevine@wkpz.com</a></p> <p><b>Counsel for Quinn Veysey</b></p>
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document on this 28<sup>th</sup> day of June 2017.

/s/ Brian H. Pandya  
**Brian H. Pandya**